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To: Commissioner for Patents
Fax Number: (703) 872-9306
Date: January 25, 2004
Pages: 5 pages (including this cover sheet)

MESSAGE:

SYSTEM AND METHOD FOR STOCK OPTIONS MARKET MANAGEMENT
Application No. 09/863,920
Examiner D. Felton
Art Unit 3624

Response to Restriction Requirement

FR91999007US1
(590.106)

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Atty. Docket No. FR91999007US1
(590.106)

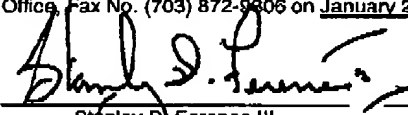
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In re Application of : Blanchard et al.
Serial No. : 09/863,920 Examiner : Felton, D.
Filed : May 23, 2001 Art Unit : 3624
For : SYSTEM AND METHOD FOR STOCK OPTIONS
MARKET MANAGEMENT

January 25, 2005

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this correspondence and any documents referred to as enclosed therewith are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on January 25, 2005.



Stanley D. Ference III
Reg. No. 33,879
January 25, 2005
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is responsive to the Office Action dated October 25, 2004, for the above-identified application.

The Examiner has asserted that Claims 9-14, drawn to "a system for analyzing the characteristics of sub-time periods of a time period and a program storage device readable by machine" (Group I) and Claims 1-8, drawn to "a method for analyzing the characteristics of sub-time periods of the time period where a change of trend of the price evolution of a plurality of

stock options occurs” are patentably distinct species of the claimed invention. The Examiner has not required Applicants to elect one group of claims for prosecution.

Applicants respectfully traverse the restriction requirement and request reconsideration and withdrawal of the restriction requirement. As noted in the Office Action, Claims 1-8 are directed to a method, Claims 9-13 are directed to a system, and Claim 14 is directed to a program storage device readable by machine. Simply stated, the restriction requirement is not understood given that the claim structure of the present application complies with long standing Office Practice. As such, the restriction requirement appears to have been issued in error and should be withdrawn.

By way of example, Claim is a so-called Beauregard claim, after the case in which the Office stated “that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101 and must be examined under 35 U.S.C. §§ 102 and 103.” *In re Beauregard*, 53 F.3d 1583, 35 USPQ2d 1383 (Fed. Cir. 1995); *see also Examination Guidelines for Computer Related Inventions*, MPEP § 2106. Thus, Claim 14 recites a program storage device which, in essence, implements the method of Claim 1. Nonetheless, the Examiner asserts that these claims are in different Groups (Claim 1 - Group II; Claim 14 - Group I). The impropriety of the Office’s position in this regard is highlighted by the fact that patents containing method, system, and so-called Beauregard claims have been issued as recently as the date on which this Response is being submitted. *See* Claims 1, 23, and 46, U.S. Patent No. 6,847,993, issued on January 25, 2005, to the assignee of the present application.

Accordingly, Applicants respectfully request the restriction requirement be withdrawn and all claims be examined at this time. In the unlikely event the restriction requirement is not withdrawn, Applicants provisionally elect the claims of Group I (e.g., Claims 9-14).

Applicants, however, also assert that even if the restriction requirement is not withdrawn, the claims of both Groups I and II should be examined at the same time under MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"). While U.S. Patent No. 6,847,993 was referred to above, it is merely one of thousands of patents returned in a search on the USPTO website for patents containing the phrase "program storage device". In view of the past Office practice of issuing patents containing method, system, and Beauregard claims, there can be no credible assertion there would be a serious burden in searching and examining the claims of both Groups I and II in the same application.

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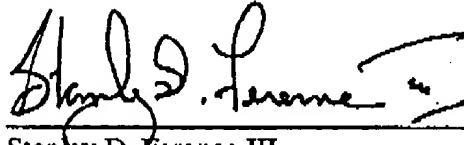
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Atty. Docket No. FR91999007US1
(590.106)

In summary, it is respectfully submitted that the instant application, including Claims 1-14, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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